

Notice of Allowability

Application No.

10/560,155

Examiner

Hoa V. Le

Applicant(s)

WASHIO ET AL.

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 26 ~~October~~ ^{September} 2007.
2. ☒ The allowed claim(s) is/are 1 and 4-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

This is in response to Papers filed on 26 September 2007.

I. Applicants' prior art submission filed on 24 August 2007.

II. The following is an examiner's statement of reasons for allowance:

The record shows that the instantly claimed embodiments alone are not allowable over (1) the applied references on the record or (2) the limited showings alone. Applicants, assignee and their counsel have to relied on (i) the narrow showings and (ii) together with their arguments for the patentability of the claims.

There has been on the record that:

Since applicants rely on the results of the narrow showings for the patentability of the claims, the claims must be read in light of the showing results of from excellent A to good B as shown in Examples 1-25 on any known resist resist in the art.

Since the instantly claimed embodiments are much broader than those in the showings (such as about 0.1 or 10% by mass of organic quaternary ammonium base having a lower alkyl group (It is broad enough to read on tetrapentyl quaternary ammonium hydroxide) , about 50 or 5,000 ppm of sulfate ions (It is

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broad enough read on any source to provide sulfate ions such as calcium sulfate, ferric sulfate, manganese sulfate and/or magnesium sulfate), about 0.005 or 2.5% by mass of a lower alcohol (It is broad enough to read on pentanol), about 1,000 ppm of a halogen (It is broad enough read on any source to provide halogen ions such as calcium bromide, ferric bromide, manganese bromide and/or magnesium bromide) on any known resist in the art, an allowed claim or patent would have no value when someone shows that there is at least one broad embodiment in the instant claims such as about 0.1 or 10% by mass of organic quaternary ammonium base having a lower alkyl group (It is broad enough to read on tetrapentyl quaternary ammonium hydroxide) , about 50 or 5,000 ppm of sulfate ions (It is broad enough read on any source to provide sulfate ions such as calcium sulfate, ferric sulfate, manganese sulfate and/or magnesium sulfate), about 0.005 or 2.5% by mass of a lower alcohol (It is broad enough to read on pentanol), about 1,000 ppm of a halogen (It is broad enough read on any source to provide halogen ions such as calcium bromide, ferric bromide, manganese bromide and/or magnesium bromide) on any known resist in the art) would be able to provide the same but obviously about less result than one of the showings.

However, applicants, assignee and their counsel state and urge on and for the record that the broadly claimed embodiments would provide the same but not

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obviously about less result than any one of the showings. In the absence of an evidence to the contrary, the broadly claimed embodiments are let to go to an allowance as urged until someone shows otherwise.

Applicants point out that claim 1 does not recite a halogen ion. It is correct. However, The language “comprising” in the claim is open to include an additional ingredient as broadly disclosed in the instant application as originally filed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

III. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

The examiner can normally be reached from 6:30 AM to 4:30 PM on Monday through Thursday and about the same time of most Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Cynthia Kelly can be reached on 571-272-1526.

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Applicants may file a paper by (1) fax with a central facsimile receiving number 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
09 October 2007

HOA VAN LE
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Hoa Van Le".